

ACTIONS AND CONDITIONS OF DEPRIVATION OF LIBERTY ACCORDING TO MASTER'S DISSERTATIONS (2007-2016)¹

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ABSTRACT. In its chapter on socio-educational measures, the Statute of Children and Adolescents (ECA) proposes the application of measures to adolescents who have committed infractions whose character must be educational and not punitive. The objective of this work was to map the dissertations indexed in the CAPES database on the deprivation of liberty of adolescents defended between 2007 and 2016 that answered the research problem: 'What are the contributions of the deprivation of liberty as a socio-educational measure for the development of young people in Brazil?', having identified 1133 dissertations defended in this period. In order to meet the proposed objective, a documentary research was carried out, in which 174 dissertations were selected and it was possible to perceive several problems in the execution of the socio-educational measure and which are in disagreement with the SINASE prescriptions. In many cases, the punitive conception overlaps the pedagogical aspect, leading to an approximation between the socio-educational system and the prison system. The need for the responsible bodies to inspect the socio-educational centers is highlighted in order to guarantee compliance with the regulations.

Keywords: Socio-educational measures; adolescent; deprivation of liberty.

AÇÕES E CONDIÇÕES DA PRIVAÇÃO DE LIBERDADE, SEGUNDO DISSERTAÇÕES DE MESTRADO (2007-2016)

RESUMO. Em seu capítulo sobre medidas socioeducativas, o Estatuto da Criança e do Adolescente (ECA) propõe a aplicação de medidas a adolescentes autores de atos infracionais, cujo caráter deve ser educativo e não punitivo. O objetivo desse trabalho foi mapear as dissertações indexadas na base Capes sobre a privação de liberdade de adolescentes defendidas entre 2007 e 2016 que respondiam ao problema de pesquisa: 'Quais as contribuições da privação de liberdade como medida socioeducativa para o desenvolvimento de jovens no Brasil?', tendo sido identificadas 1.133 dissertações. Para atender ao objetivo proposto, realizou-se uma pesquisa documental, na qual foram selecionadas 174 dissertações e foi possível perceber vários problemas na execução da

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medida socioeducativa e que estão em desacordo com as prescrições do Sinase. Em muitos casos, a concepção punitiva se sobrepõe ao aspecto pedagógico, levando a uma aproximação entre o sistema socioeducativo e o sistema prisional. Destaca-se a necessidade de os órgãos responsáveis fiscalizarem os centros socioeducativos para a garantia do cumprimento das normativas.

Palavras-chave: Medidas socioeducativas; adolescentes; privação de liberdade.

ACTUACIONES Y CONDICIONES DE PRIVACIÓN DE LIBERTAD SEGÚN TESIS DE MAESTRÍA (2007-2016)

RESUMEN. En su capítulo sobre medidas socioeducativas, el Estatuto de la Infancia y de la Adolescencia (ECA) propone la aplicación de medidas a los adolescentes que han cometido infracciones cuyo carácter debe ser educativo y no punitivo. El objetivo de este trabajo fue mapear las disertaciones indexadas en la base de datos CAPES sobre la privación de libertad de adolescentes defendidas entre 2007 y 2016 que respondió al problema de investigación: ‘¿Cuáles son las contribuciones de la privación de libertad como una medida socioeducativa para el desarrollo de los jóvenes en Brasil?’, habiendo sido identificados 1133 disertaciones. Para cumplir con el objetivo propuesto, se realizó una investigación documental, en la que se seleccionaron 174 disertaciones y se pudo percibir varios problemas en la ejecución de la medida socioeducativa y que están en desacuerdo con las prescripciones del SINASE. En muchos casos, la concepción punitiva se superpone al aspecto pedagógico, lo que lleva a una aproximación entre el sistema socioeducativo y el sistema penitenciario. Se destaca la necesidad de que los organismos responsables inspeccionen los centros socioeducativos para garantizar el cumplimiento de la normativa.

Palabras clave: Medidas socioeducativas; adolescentes; privación de libertad.

Introduction

The Brazilian Statute of Children and Adolescents (ECA) was created by Federal Law 8069 in 1990 to replace the 1979 Code of Minors, and its premise is to guarantee full protection for children and adolescents. According to the ECA, the State shall ensure the right to “[...] physical, mental, moral, spiritual and social development, in conditions of freedom and dignity [...]” for every Child and Adolescent (Estatuto da Criança e do Adolescente [ECA], 1990, art. 3, preliminary provisions).

The first Code of Minors, published in 1927, determined the application of special procedures for offenses committed by adolescents between the ages of 14 and 18 and established that those under the age of 13 would not be criminally liable (Marques & Ferreira, 2017). However, this regulation allied the application of measures related to committed offenses with welfare issues, with the referral of orphaned or abandoned youths to the same correctional facilities aimed at those who had transgressed the law (Rosa, Júnior, & Rangel, 2007). Thus, the Code of Minors had a discriminatory character, since social inequalities and poverty were seen as factors that led adolescents to commit infractions, thus removing any form of responsibility from the State (Marques & Ferreira, 2017). With the enactment of the ECA, there is a change of perspective on issues involving children and adolescents and they are now treated as ‘subjects of rights’, who demand full attention, being considered the responsibility of the family, society, and the State. In addition, the Statute, unlike the Code

of Minors, is applied to every society without any form of distinction (Rossato & Souza, 2014).

Also, according to the ECA, every “[...] child and adolescent has the right to freedom, respect, and dignity as human beings in the process of development and as subjects of civil, human and social rights guaranteed in the Constitution and the laws” (art. 15, chapter II). The same document also provides for the application of socio-educational measures to adolescent offenders, establishing educational measures aiming at resocialization. The socio-educational measures, provided for in Art. 112 of the ECA, assume an educational and non-punitive character, applicable to adolescent offenders aged between 12 and 18 years. Thus, a “[...] socio-educational conception is adopted that combines responsibility for the act and the pedagogical character of the program. Thus, the State’s action in relation to infractions becomes educational in nature, which is enunciated in the socio-educational term” (Lazzarotto, 2014, p. 503). These measures can take place in two ways, depending on the severity of the offense committed by the young person: measures in an open environment and measures involving deprivation of liberty. Activities that take place in the private environment are marked by ambivalence; adolescents are not encouraged to participate in activities since they are deprived of their life outside that place (Malvasi, 2011).

The measure of deprivation of liberty consists of the admission of adolescents in socio-educational centers and occurs because of offenses in which there was a serious threat or violence. Art. 121 of the ECA postulates that the deprivation of liberty must follow the principles of brevity, exceptionality, and respect for the peculiar condition of development of the offender. The first concerns the length of stay, which should be as short as possible and evaluated in each situation; the principle of exceptionality informs that the admission measure should only be applied when the other measures prove to be insufficient; finally, the last principle refers to the role of the State as responsible for ensuring the physical and psychological integrity of these adolescents, in addition to guaranteeing access to education during the period of admission (Rosa et al., 2007).

Although the ECA offers progress in terms of the rights of children and adolescents, in practice, this does not occur effectively. Socio-educational measures often fail in their educational and resocialization character, since the deprivation of liberty hinders the relationship with the school, the possibility of entering the labor market, and increases the police repression when the young person finishes serving the sentence, thus hindering their process of reintegration into society (Malvasi, 2011).

After leaving the deprivation of liberty centers, most of these individuals find themselves helpless, with no socio-educational service to assist them in the process of returning to life in society (Gomes & Conceição, 2014). In this way, a significant number of adolescents have returned to committing infractions after serving socio-educational measures, seen mainly in young people who finish serving the sentence of deprivation of liberty. Generally, adolescents try to justify this recurrence because they are looking for a better life, or because of the difficulty of entering the labor market and the qualified training process (Malvasi, 2011; Coscioni, Marques, Rosa, & Koller, 2018), which is still intensified by stigmatization they suffer after serving socio-educational measures (Goffman, 1988).

In order to monitor the quality and commitment of the service offered by institutions of deprivation of liberty, the National System of Socio-Educational Assistance (SINASE) was created in 2012, which sets minimum references and guidelines to be adopted in institutions that carry out socio-educational measures, aiming at the protection and the promotion of the rights of adolescents who serve such sentences (Rossato & Souza, 2014). The SINASE prescriptions establish in its fifth chapter that to serve up to forty adolescents in the socio-

educational measure of deprivation of liberty, a minimum team must be formed consisting of a director, a technical coordinator, two social workers, two psychologists, a pedagogue, a lawyer (technical defense), other professionals necessary for the development of health, schooling, sports, culture, leisure, professionalization and administration, and socio-educators (whose number will depend on the institutional dynamics and different internal events and may vary from one socio-educator to every three or four adolescents up to two socio-educators for each adolescent - when involving situations with a high risk of escape, self-harm or aggression towards others). The hiring of socio-educational agents takes place, as a priority, through approval in a public tender, governed by a specific public notice that generally requires a complete high school, which may vary according to the region (Barsaglini & Vaillant, 2008). In opposition to this, Roman and Souza (2014) point out a series of degrading situations to which young people were exposed when admitted to units: humiliation, torture, denial of food, and sexual abuse committed between the inmates of the institutions. For Foucault (1999), the application of discipline and control measures has the function of producing 'docile bodies', that is, submissive individuals conformed to the places they occupy in society and without the strength to oppose domination.

From this, a strong contrast can be observed between the basic guidelines governing the application of this work and what happens in practice. Together, the high rate of recidivism makes us reflect on the implications and consequences that such measures bring to the lives of these adolescents and leads to question the effectiveness of the articles provided for in the ECA, whose purpose is to ensure their rights, protection, and integrity. In addition, this situation allows to rethink the place we occupy as citizens co-responsible for the social (re)insertion of young people who have served socio-educational measures and need to find their role in society again. Faced with these considerations, the guiding question designed for this study was: 'What are the contributions of deprivation of liberty as a socio-educational measure for the development of young people in Brazil?'. Thus, the 'objective' of this study was to map the dissertations indexed in the CAPES database on the deprivation of liberty of adolescents, defended between 2007 and 2016. The specific objectives were (1) to identify the characteristics of the publications regarding the institution of origin, a graduate program to which they are linked, the type of research developed, and the target audience of the studies; (2) to understand if the actions developed by the assistance teams in deprivation of liberty are carried out according to the SINASE guidelines.

Method

This was a documentary research, which uses documents from primary sources that have not been analyzed or systematized and aims to extract information contained therein to understand a phenomenon (Kripka, Scheller, & Bonotto, 2015). For this, a systematic review of the literature was carried out, which according to Galvão and Pereira (2014) is a comprehensive, non-biased study with disclosure of the adopted criteria, which therefore allows the same path to be followed by other researchers and whose advantage is based on the possibility that its results are evidence indicators for decision-making in the face of a theme/problem (Galvão & Pereira, 2014).

The following inclusion criteria were used to locate the references,: (a) Publications from the 2007-2016 period; (b) Format: dissertations; (c) Descriptors (in Portuguese language): Adolescente (s) em conflito com a lei, Adolescente institucionalizado, Delinquência Juvenil, Fundação Casa e Medidas Socioeducativas; (d) Language: Portuguese; (e) Database consulted: CAPES Theses Database; (f) Being available online. Afterward, the search for references was carried out through queries to the CAPES Theses

Database online using the selected keywords. A total of 1,131 dissertations were located. After this survey, when there was no abstract available for the dissertation in the CAPES database, the sites of the graduate programs in which the dissertations were defended were consulted in an attempt to retrieve the abstract. When this procedure was not efficient, there were attempts to contact the authors by sending emails with the support of the Lattes Platform or personal email (when found in other online works published by the authors). The next steps were reading the title and abstract of each production to check its relationship with the research problem (serving socio-educational measures in a closed environment), and eliminating repeated texts, and those that were not within the defined period of publication. At the end of this stage, 199 dissertations remained, of which 25 titles were excluded because, after attempts, it was not possible to retrieve the abstract online to assess the pertinence of its inclusion in the corpus of analysis, which consisted of 174 dissertations (Table 1).

Table 1 - Dissertações localizadas, eliminadas e recuperadas para análise

Descriptors	Number of references found	Eliminated by reading the titles	Selected for Reading Abstracts	Repeated	Eliminated by the 2007 -2016	Eliminated after reading abstracts	Eliminated after reading in full	Number of retrieved	Texts retrieved and with online
Adolescent in conflict with the law	263	52	211	1	38	105	10	57	53
Adolescents in conflict with the law	323	64	259	95	29	79	5	51	39
Institutionalized adolescent	10	2	8	1	1	4	1	1	1
Juvenile delinquency	83	18	65	15	23	20	0	7	5
Fundação Casa Socio-educational measures	94	41	53	19	2	8	2	22	22
	358	94	264	111	19	65	8	61	54
TOTAL	1,131	271	860	242	112	281	26	199	174

Source: The authors.

Out of the 174 dissertations whose abstract was selected, the full texts online were retrieved for 160, as 14 had only the abstract online. Initially, the purpose of this article consisted only of reading the abstracts. However, throughout the work, most of the abstracts did not contain the information sought, and thus, we decided to recover the complete dissertations and subsequently analyze this material. E-mails were sent to the 14 authors in an attempt to get the other complete texts, but only five sent the dissertation in attachment,

totaling 165 dissertations with full text. For the appreciation of the references, each was read to extract the following data: authors, year of publication, graduate program, university, State, objectives, type of study, collection instruments/techniques, research subjects, and main results.

The last stage consisted of evaluating the quality of the evidence, in which the thematic content analysis of Bardin (2011) was carried out based on the main findings of the research, reading the results of the dissertations retrieved for analysis based on what was proposed in the pre-analysis stages, material exploration (coding, classification, and categorization) and data treatment (inference and interpretation of results).

Results and discussion

Regarding the Master's Programs with the highest frequency of dissertations retrieved for this study, 25.9% of these were defended in Master's Programs in Education; 20.7% in Master's Programs in Psychology; 12.1% in Social Work; 6.9% in Master's Programs in Adolescents in Conflict with the Law; 5.8% in Master's Programs in Sociology and 5.2% in Master's Programs in Law. Studies were also conducted in other areas, such as social development, administration, social policies, collective health, arts and scenic arts, music, medicine, and human rights, among others. Each of these had percentages lower than 5% and together totaled 23.4% of Master's programs. Based on the analysis of the universities in which the studies were carried out, most of the dissertations were defended in the Southeast (50.5%), with special emphasis on the state of São Paulo, which is in line with the offer of *stricto sensu* graduate programs in the country. The South region was also highlighted (18.0%) with defenses in the states of Rio Grande do Sul (7.5%), Paraná (7.5%), and Santa Catarina (4.0%). The Central-West region accounted for 14.5% of the defenses, followed by the Northeast (12.0%) and North (5.0%) regions. The survey on the municipalities where the socio-educational deprivation of liberty centers and where the research was carried out indicated that most are located in the state of origin of the university.

Regarding the year of publication of scientific productions on the topic, from 2010, the number of publications remained very close, with some fluctuations. The year 2013 had the highest number of dissertations, totaling 16.1%. On the other hand, the lowest number was found in 2009, with only 4.6% of the production.

The qualitative methodology was the most used (69.8%). The quantitative method was present in only 1.2%, the literature research in 1.8%, and the documentary research in 6.9% of the works. Combined study methodologies were also used, namely: qualitative (9.9%); bibliographical, documentary, and qualitative research (7.5%); bibliographical and documentary (1.7%); bibliographical, documentary, and qualitative (0.6%), and documentary and qualitative (0.6%).

About the research participants, 30.5% of the studies were carried out with adolescents; 9.2% with professionals; 5.7% with socio-educational agents, and 5.2% with the pedagogical team. In some surveys, professionals and adolescents (8.0%), adolescents and pedagogical team (4.6%), adolescents and family (2.3%), adolescents, professionals, and family (2.3%), adolescents, professionals, and pedagogical team (1.7%), MSE managers and executors (0.6%), service professionals that make up the Service Network around SINASE (0.6%), among others that add up to 2.4%. A total of 10.3% of the surveys did not inform about the participants and about 16.6% did not have participants.

The analysis of the dissertations strongly indicated the problems occurring in the execution of the socio-educational measure of deprivation of liberty that points to a disregard

for the prescriptions of the official documents about its development. In a small number, some brought the description of activities developed through projects involving music, art, communication, and theater, among others. Although these positive aspects need to be relevant in the national scenario of socio-educational practices, we chose to present the most frequent results in the corpus of our research, which are dealt with in specific topics in this section.

Inadequacy of physical and material structure

The inadequacy of physical and material structure of the deprivation of liberty units was addressed in 20 dissertations (11; 38; 47; 50; 51; 61; 66; 70; 77; 90; 92; 106; 113; 120; 142; 165; 170; 171; 182; 208), which reported: number of beds lower than the number of inmates; architectural structures reminiscent of prisons such as barred windows; lack of adequate material for educational activities; unhealthy conditions such as leaking water, spaces without ventilation, presence of strong odors and overcrowding. Regarding overcrowding, according to the SINASE prescriptions, a unit can house up to 40 adolescents, and the analyzed studies highlighted numbers higher than this. Similar data on identified inadequacies were collected in other studies (Rosa et al., 2007; Malvasi, 2011; Scisleski, Bruno, Galeano, Santos, & Silva, 2015; Coscioni, Farias, Garcia, Rosa, & Koller, 2018), demonstrating that this is a recurring problem in the scenario of socio-educational measures.

In addition, the SINASE document establishes that the units of socio-educational measures must be adequate and with a capacity to favor their execution and ensure the fundamental rights and development of adolescents. Therefore, the “[...] socio-educational architecture must be conceived as a space that allows the vision of a process indicative of freedom, not of punishment nor its naturalization” (Brasil, 2006, p. 51).

Professionals working in admission units

As for the role of socio-educational agents who work in the units, 18 dissertations (9; 16; 18; 19; 34; 51; 60; 90; 112; 127; 159; 171; 194; 205; 206; 208; 210; 221) demonstrate that many professionals were not clear about their role, in addition to being unaware of the SINASE prescriptions. In these studies, the actions of socio-educational agents often consisted of prioritizing safety to the detriment of educational actions. It was possible to perceive the existence of a strong tension between a repressive conception, with a focus on security, and a recuperative (pedagogical) vision. This double position of the measure as recovery and as repression suggests that there is not a single definition of the objectives of the socio-educational measure, making it difficult for socio-educational agents to understand its execution, who, in many cases, privilege security to the detriment of the socio-educational measure in the units (Costa, 2015). This tension makes it difficult to carry out what SINASE proposes in its fourth guideline: “Respect for the uniqueness of adolescents, educational presence and exemplarity as necessary conditions in socio-educational action” (Brasil, 2006, p. 47).

On socio-educational agents, four dissertations (16; 159; 205; 206) pointed merely punitive and vexatious actions (for example, being trapped in the room as a form of punishment, the loss of the ‘privilege’ of participating in activities of leisure, adolescents punished because they spoke without asking permission); the use of terms that devalued the youth (such as ‘little bandit’ and ‘bum’); and tendencies to blame the family or the youth for involvement in the offending practice. These professional practices disregard the adolescent as a social subject and are in disagreement with the ECA (1990), which in Art. 6

provides for the need to consider “[...] the individual and collective rights and duties [of these subjects], and the peculiar condition of children and adolescents as people in development”. In addition, articles 17 and 18 of this document established that the right to respect and integrity of these subjects are ensured, consisting of the inviolability of the physical, psychological, and moral integrity of children and adolescents, protecting them from any inhumane, violent, terrifying, humiliating or embarrassing treatment (ECA, 1990).

The weakening of human resources was pointed out in 22 dissertations (9; 16; 18; 19; 34; 44; 51; 60; 61; 66; 90; 112; 127; 159; 171; 193; 194; 205; 206; 208; 210; 221), which highlighted an insufficient number of professionals, lack of hiring mainly in the category of educational instructors, lack of identification with the work performed, the presence of agents who do not believe in the socio-educational nature of the measure, and the lack of multidisciplinary practices that would allow discussions and exchange of knowledge. This is in disagreement with SINASE since its prescriptions require a minimum team composed of a director, technical coordinator, social workers, psychologists, pedagogue, lawyer (technical defense), and other professionals necessary for the development of health, schooling, sport, culture, leisure, professionalization, administration and socio-educators (Brasil, 2006). Most dissertations analyzed on this topic did not indicate the number of professionals present in the socio-educational institution, but it is clear that the minimum number of professionals was not respected in all units surveyed. The same document also states that actions must be aimed at guaranteeing and respecting young people as social beings. Regarding the dynamics of work, this document provides for the socialization of information, knowledge, and practices carried out with adolescents in a multidisciplinary team, without a hierarchy of knowledge, thus ensuring a joint construction of the socio-educational process (Brasil, 2006).

More specifically, weaknesses in the system exposed in the analyzed dissertations alert to the need for continuing education that prepares these professionals to work with young people in conflict with the law in terms of deprivation of liberty (19; 34; 112), as established by SINASE, in addition to the importance of creating spaces for discussion about the work carried out in the daily life of the institutions (61; 66). Faced with issues like this that have been repeated in the history of socio-educational measures of deprivation of liberty, the National School of Socio-Education (ENS) was created in 2014, based on the need by SINASE operators. The ENS would have the objective of providing continuous training for different professionals who work directly or indirectly in the National System of Socio-Educational Assistance and postulate a methodological and curricular unit throughout Brazil. From this first model, others were created with the same logic of continuing education for socio-educators (Secretariat of Human Rights/National Secretariat for the Promotion of the Rights of Children and Adolescents, 2014), but even so, based on the analysis carried out, it was possible to perceive that many professionals reproduce conceptions that do not fully respect the rights of adolescents serving socio-educational measures.

Exclusion of the family from the socio-educational process

Seven dissertations (16; 52; 101; 120; 165; 174; 196) addressed situations where families were excluded from the socio-educational process, with the presence of violations of rights about visits and family life, such as the distance between the socio-educational units of deprivation of liberty and the municipalities where the families live; absence, irregularity and precarious conditions for visits by family members; non-existence of intimate visits; vexatious intimate body search; restricted and disjointed actions for the care and strengthening of the families of adolescents, who mostly lived in conditions of poverty or

extreme poverty and; processes of blaming these families. According to Nunes, Andrade and Morais (2013), the role of the family is very important in the lives of young people and their participation in the socio-educational process can lead to more significant results. The authors point out works and interventions that were developed with families in socio-educational centers and that achieved positive results, both in changing the young people's conception of the measure and in bringing these individuals closer to their families. It is only after the enactment of the ECA that the state is given the responsibility to support families for the well-being and development of children and adolescents. Even so, in the interpretation of society and several professionals who work with families, there is a tendency to blame them for the involvement of adolescents in offending. Thus, the perspective of co-responsibility and the need for public policies that serve these young people are removed from the state (Scisleski et al., 2015). This idea is supported by Moraes, Nunes, Horst and Mito (2020), when they understand that within the scope of public policies, there is the notion that families should assume responsibility for the well-being of their members, conferring an immanent capacity to offer care and protection, while the state provides and is responsible for only a small portion of this 'well-being'. Thus, assuming a familist character, the family should be seen as a centrality of care and protection, with the State interfering temporarily only when there is a 'failure' in this family institution (Mito, 2010).

Two studies (101; 165) that specifically address the role of the family in the socio-educational measure showed that most families and adolescents were unaware of the work carried out and the objectives of the MSE, causing it to be seen only as a reproduction of the prison system. In one of the studies that sought to listen to young inmates in a socio-educational unit (52), the measure was evaluated as negative by these subjects, due to the distance from the family and social life, as also observed by Andrade and Andrade (2018). Chapter III of the ECA establishes the right to family life for every child or adolescent, considering the need for family life for their development. This right is guaranteed even in cases where the youth is deprived of liberty as a result of an offense (ECA, 1990; Brasil, 2006) and is related to the more promising prospects of life projects for inmates (Coscioni et al., 2018).

Control and Standardization of adolescent behavior

From the analysis of the dissertations, there is a tendency in the execution of socio-educational measures of deprivation of liberty in expecting adolescents to follow a normalization and standardization of behaviors. This was discussed by 16 dissertations (10; 14; 20; 59; 78; 120; 123; 132; 166; 176; 196; 197; 200; 204; 216; 223) that pointed to the maintenance of the status quo of social classes from this normalization process. This statement is justified because, in the execution of socio-educational measures, there may be an attempt to 'fix young offenders, eliminating their deviant behavior', thus acting as a disciplinary and normalization device (14; 59; 78; 132; 200; 223). This reproduces the social inequalities that mark the lives of these subjects outside the units. Eight dissertations (59; 120; 132; 166; 196; 200; 204; 216) discussed that the deprivation of liberty units worked as an instrument of state governmentality, whose objective would be to create subjects who accepted roles and social places in which they are placed, through techniques developed to control, normalize and shape people's conduct, reinforced by the discursive device of the professionals who applied the measure. Andrade and Barros (2018) argue that, although the socio-educational measure has as one of its objectives to respect the autonomy of young

people, what is perceived as an attempt to 'infantilize' the inmates through fear, the offer of rewards and the repression of wishes and desires of the adolescent inmate.

According to Foucault (1999), 'proper discipline' makes possible the 'training' of human beings, where the hierarchical look and the normalizing sanction replace the application of physical punishment: humiliation, loss of previously granted privileges, and the offering of rewards to produce submissive bodies, 'docile bodies'. This movement would have the purpose of maintaining the class hierarchy, the persistence of social inequalities, and discrimination based on color and social class since docile bodies would be conformed to the places they occupy in society, without any force to oppose domination (Mendes, 2006).

According to Andrade and Barros (2018), the phenomena of criminalization and stigmatization of the poor population persist and are present in socio-educational centers, since young people from the middle and upper classes are not seen serving the socio-educational measures of deprivation of liberty. And when seen, they are in much smaller numbers. Rosa et al., (2007) discuss the distinctions in the justifications socially given to the offenses committed by adolescents from different social classes, being considered and softened due to the age group when they are from middle or upper classes. The offenses committed by young people from less favored classes are explained as manifestations of personality traits that these subjects have (Hawkins et al., 2000; Batella & Diniz, 2010), reflexo do estigma que carregam (Goffman, 1988).

Six dissertations (10; 78; 120; 123; 132; 223) also pointed out that stigmas and prejudices are accentuated when dealing with poor and black youths. As they are socially seen as dangerous, they receive greater control and surveillance by the police, face difficulties in gaining access to legal assistance, and suffer more severe penalties in the context of socio-educational measures compared to young whites. Miranda, Paiva and Lima (2019) discuss the need to build new meanings for the poor and black population of Brazil, removing the stigmatizing view that this would be potentially dangerous since these stigmas divert discussions about the real problem from structuring issues of a strengthened state in favor of social inequalities.

Other situations in which the trend towards normalization can be found occur in workshops and professional courses offered to adolescents during the MSE (10; 204), which do not correspond to the reality demanded by the labor market, perpetuating a social division between dominant and dominated classes. As indicated in the dissertations read, there are old customs disguised as new practices. In this sense, some courses and workshops, even if they have an initial purpose of insertion in the labor market if evaluated more critically, do not facilitate the social integration of young people. On the contrary, they function as methods of control, deepening social inequality and criminalizing poverty. Therefore, this aspect present in the measure contradicts one of the premises of SINASE whose proposal is to favor social (re)insertion through socio-educational measures, opposing the past of control and social exclusion supported by the Code of Minors (Brasil, 2006). From the evaluated dissertations, methods of control and criminalization of poverty that reinforce this paradigm in the context of the measures are still being sought.

Released young and recidivism

The lack of monitoring of young people who left socio-educational units and the phenomenon of recidivism were issues pointed out in 16 dissertations since they show signs of failures in the socio-educational system (9; 18; 19; 55; 56; 62; 64; 67; 83; 100; 151; 155; 156; 211; 214; 220). The trajectory of the young person who leaves the socio-educational

system is important data for the evaluation and review of actions developed in socio-educational measures. Even so, this monitoring is not carried out and, after serving the sentences, they find themselves helpless, with no socio-educational service program to assist them in the process of returning to their original social environment (56; 64). Thus, they find themselves helpless after leaving the institution, having little or no socio-educational service program that helps them in the process of reintegration into life in society (Gomes & Conceição, 2014). When leaving the socio-educational system, the adolescent is faced with a series of problems, among them: low instrumentalization and lack of assistance for insertion in the market; restriction of social networks and life opportunities; absence of activities developed with the released and with the community; labeling and stigmatization they face (100; 220). With regard to support for the inclusion of these young people in the social sphere, when there are public policies for this purpose, these are fragmented and discontinued. Such policies are not capable of reducing the negative impact of socio-educational measures on the life of these individuals, leading them to the issue of recidivism and consequently building a bridge between socio-educational and prison systems (18; 19). One of the major consequences of this lack of policies aimed at this audience is high recidivism (15; 100; 152; 214). Malvassi (2011) observed a high rate of individuals who relapse into the socio-educational system and pointed out the absence of a network of public policies and services that ensure adolescents access to their rights and opportunities. Further, the author reinforces that when leaving the socio-educational system, young people experience some difficulties when entering the labor market, due to the stigmatization suffered after the measure of deprivation of liberty. Padovani and Ristum (2013) highlight that it is very difficult to discuss the phenomenon of recidivism due to the precariousness of data on the topic (arising from failures in monitoring the released) and due to the scarcity of research on this phenomenon in the academia, as the present study already demonstrated that only four dissertations that addressed this phenomenon were retrieved.

Dissertations retrieved for analysis pointed to the need for public policies and services that support adolescents released from socio-educational units of deprivation of liberty in their life planning (47; 56; 75; 90). There is also no monitoring of the right to education of these young people, who are faced with prejudice from teachers and students and the lack of training of professionals to act in these cases (156). Although the SINASE prescriptions point to the need for actions aimed at released young offenders, as well as their permanence in the formal education network, there is no effective monitoring system and the literature highlights the absence of public policies aimed at (re)insertion and access to their rights (Malvassi, 2011).

Final considerations

From this study, it was possible to perceive a series of existing problems in the execution of the socio-educational measure that are in disagreement with the prescriptions of SINASE, without, therefore, contributing to the development of young people, such as problems of a structural nature, physical resources, and human beings, a punitive conception that overlaps the pedagogical aspect, failures in preparing the adolescent for living in society and for the elaboration of life projects. Although the ECA has advanced a lot about the Code of Minors, it is necessary to rethink the measures of deprivation of liberty.

A series of challenges are faced by professionals who work with socio-educational measures that reduce their effectiveness, such as ignorance of SINASE prescriptions,

scarcity of resources, lack of structure, precarious functioning, and the presence of institutional practices that violate human rights. All of this shows that deprivation of liberty has not contributed to the development of young people in Brazil, on the contrary, it has reinforced stigmas and maintained social inequality. Although some studies demonstrate the development of positive actions of socio-educational measures, most studies demonstrate the negative aspects of socio-educational measures of deprivation of liberty in the lives of these adolescents.

Also noteworthy is the need for inspection by municipal, state, and federal bodies and councils responsible for ensuring and complying with Brazilian regulations for the functioning of socio-educational units. There is also a need for training courses for professionals working within the scope of the measures, from those responsible for implementing the MSE to socio-educational agents and other professionals working in deprivation of liberty units. In addition, there is a need for public policies and services that support adolescents released from socio-educational units in their life planning, even if such policies are fragmented and not very pragmatic. Regarding the difficulties in carrying out the research, the large number of abstracts without the main information about the work stands out. Many abstracts even lacked objectives, methodology, and main results, making it necessary to read complete dissertations.

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